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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,639	01/29/2004	Graham Anthony Inchley	7437	5397

55740 7590 12/22/2005  
GAUTHIER & CONNORS, LLP  
225 FRANKLIN STREET  
BOSTON, MA 02110

EXAMINER

SHRIVER II, JAMES A

ART UNIT PAPER NUMBER

3618

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/767,639

Applicant(s)

INCHLEY, GRAHAM ANTHONY

Examiner

J. Allen Shriver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's submittal of an amendment was received on December 12, 2005, wherein claim 1 was amended and new claims 11-12 were added.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. **Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Claim 1 recites the limitation "the skateboard deck" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (US Patent 4,109,925).** Williams et al. discloses a truck (10) for a skateboard comprising a base structure (12) for attachment to the skateboard deck (16), a yoke assembly

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(32) having spaced-apart portions flexibly located by the base structure by upper and lower support structures (See Fig. 3), and a king-pin assembly (See Fig. 3) including a king-pin (62) for clamping the base structure and the yoke assembly together, so that with a pair of skateboard wheels (See Fig. 2) carried by the truck, the arrangement is such that the rotational axis of the wheels is disposed substantially at right angles to the longitudinal axis of the king-pin and said rotational axis of the wheels is also disposed at a steering head angle of between  $45^{\circ}$  and  $20^{\circ}$  to the vertical when the skateboard is at rest on the ground (See Fig. 3, angle P), and remains spaced from, and substantially parallel to the plane containing the radial arc of the wheel axis as it rotates about the steering head angle, said plane being substantially perpendicular to the steering head angle (See Fig. 3); **[claim 2]** wherein the steering head angle is substantially  $30^{\circ}$  to the vertical; **[claim 3]** wherein the longitudinal axis of the king-pin extends between the spaced apart portions flexibly located by the base structure (See Fig. 3); **[claim 4]** wherein the king-pin is located by a pair of axially-spaced bushes (72,74) of resilient material carried by the yoke assembly, and wherein said bushes are separated by an inwardly disposed flange portion of the yoke assembly (See Fig. 3); **[claim 5]** wherein one of said bushes is of frusto-conical form; **[claim 6]** wherein one of said bushes has chamfered edge (See Fig. 3); **[claim 7]** wherein the resilient material of said bushes is polyurethane; **[claim 8]** wherein one spaced-apart portion of the yoke assembly is of part-spherical form (See Fig. 3); and **[claim 11]** wherein the yoke assembly has an upper end and a lower end, the upper end being of part-spherical form, said upper support structure defining a cooperating bearing surface (See Fig. 3).

*Allowable Subject Matter*

6. Claims 9-10 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments filed December 12, 2005 have been fully considered but they are not persuasive. In the remarks section on page 5, Applicant argues that Williams '925 does not anticipate the currently amended claim 1, because Williams is only provided with a single pivot support (36) as opposed to the current invention supported by upper and lower support structures (3 and 17, respectively). Examiner disagrees with Applicant's argument because as shown in Figure 3 of Williams '925, the yoke assembly (32) is supported at an upper position at pivot (36) and at a lower position (element 88, supports the lower portion of the yoke assembly). Therefore, Williams '925 anticipates claim 1 as currently amended.

*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 6:30 am-6:00 pm and Tuesday 6:30 am-11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

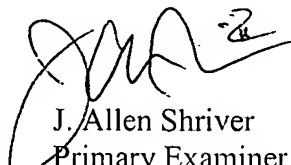
Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Allen Shriver  
Primary Examiner  
Art Unit 3618

JAS